

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Wednesday, May 9, 2012, at 10:00 a.m., Conference Room 109, Arizona Supreme Court Building, 1501 West Washington Street, Phoenix, Arizona.

Members Present:

Kevin Kluge, Chair; Jason Hathcock; Phil Hanley; Mark Smalley

Members Absent:

Rob Lubitz

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Niki O’Keeffe

Call to Order

Approval of the Minutes

- a. April 4, 2012, Public Meeting Minutes

The Chair called for any corrections or additions to the minutes.

MOTION: A motion to approve the April 4, 2012 Public Meeting Minutes was made by M. Smalley. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2012-24**

Disability Retirement – The Local Board may vote to go into Executive Session to discuss medical documentation and receive legal advice for the following Disability Claim pursuant to A.R.S. 38-431.03 (A)(2 & 3).

- a. #11-01 – IME Decision

The Board approved claimant #11-01’s application for Ordinary Disability on June 7, 2011, and stipulated that the claimant’s condition be re-evaluated one year from the date of approval. In a letter dated March 20, 2012, the claimant was advised that the matter of their Ordinary Disability Retirement would be heard by the Board on May 9, 2012. The claimant was asked to provide medical records for treatment of their condition dating from June 7, 2011 to present, to assist the Board in determining whether an independent medical re-evaluation of their condition is warranted. In reviewing the medical records submitted by the claimant, members of the Board noted that the decision of the Social Security Administration (SSA) Office of Disability Adjudication Review dated December 22, 2011 stated the claimant has been disabled under Section 216(i) and 223(d) of the Social Security Act since March 25, 2010. The SSA decision also stated “Medical improvement is expected with appropriate treatment. Consequently, a

continuing disability review is recommended in 24 months.” The 24 month re-evaluation date from the SSA was noted as December 2012. The Board agreed to table the decision of an independent medical re-evaluation for one year so that they may review the completed re-evaluation from the SSA.

MOTION: A motion to table the review of case #11-01 for an independent medical re-evaluation for one year until a completed re-evaluation from the SSA is submitted was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2012-25**

Approval of Normal Retirement – The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

- a. Michael E. Kelly
- b. Wanda L. Leikem
- c. Martin A. Mendez

MOTION: A motion to approve the payment of Normal Retirement benefits to applicants (a) through (c) was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2012-26**

Approval of Membership – The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date. To comply with the newly adopted procedures, the Board voted only to approve those members who have a physical exam on file:

- a. Amy Alvillar
- b. Michael Kreibich
- c. Andrew McClamrock

For the record, the Board noted new member Michael Kreibich has a pre-existing condition. To comply with the new procedures, Mr. Kreibich will be sent a pre-existing condition letter.

MOTION: A motion to approve the three (3) named employees requesting membership into CORP was made by P. Hanley. Motion was seconded and passed unanimously. **CORP 2012-27**

CORP Physical Pre-Existing Conditions

- a. Jennifer Blaisdell

The Board approved Ms. Blaisdell for CORP membership at the March 7, 2012 meeting. The member’s physical exam report was later received on April 9, 2012. For the record, the Board noted Ms. Blaisdell’s physical exam identified pre-existing conditions.

CORP Physical Exam Final Letters

- a. Jermaine Carlisle
- b. Danielle Herrera
- c. Robert Abalos, Jr.
- d. Lisa Fontaine
- e. Bryan LaBrake
- f. Valentin Martinez, Jr.

Final letters requesting a physical examination were sent to the listed members in April 2012, regarding non-receipt of the CORP physical examination after 60 days of receipt of the membership form.

General Discussion

a. Retiree Return to Work Requirements

The Board voted at the April 4, 2012 meeting to send a memo to the Chief Probation Officers and Juvenile Court Directors to inform them of the Board's requirements to implement the 2011 legislative change regarding return-to-work retirees. The Chair also presented the information at the Adult Management and Juvenile Administrators meeting on April 26, 2012. A question was raised during the Administrators meeting concerning members who opted-out of CORP and stayed in ASRS at the time of the joinder agreement and whether they would be allowed to participate in CORP by returning to work in a CORP designated position. The Board felt this question should be presented to PSPRS and requested the Board Secretary ask for direction from PSPRS as to how these employees should be processed.

b. Physical Exams Audit

At the April 4, 2012 meeting, the Board directed the Board Secretary to audit all member files and to list all members with any pre-existing condition(s) for Board acknowledgement on the record at the June 2012 meeting and, following Board action, send letters notifying such members of the pre-existing condition(s) identified in their physical exam. Upon completion of the audit, it was determined that over 52% of the membership exams noted pre-existing conditions. However, staff reported that in about half of the exam reports the specific condition is illegible and in some cases, not specifically identified; there are also a number of cases in which the question was not answered at all by the practitioner. Given the majority of members' exams were conducted five years ago, the Board agreed it is very unlikely that staff would be able to locate the practitioner for clarification of the exam results. Due to the inability to treat members consistently given the amount of time passed since the exams were conducted, the Board agreed to retract their April 4, 2012 motion #2012-20 which stated a certified letter would be sent to all those who were found to have a pre-existing condition. Instead, the Board agreed to only send certified letters to those who have been identified as having any pre-existing condition(s) since the Board adopted its new procedure and notification letter at the April 2012 meeting. Future exams will be reviewed and processed pursuant to the new procedures.

Call to Public

No members of the public addressed the Board.

Transcribed May 9, 2012